

399 Bathurst Street (Toronto Western Hospital) – Minister's Zoning Order Request

Date: March 30, 2022

To: City Council

From: Chief Planner and Executive Director, City Planning

Ward 11 - University-Rosedale

SUMMARY

The University Health Network have indicated their intention to request a Minister's Zoning Order from the Province of Ontario to expedite construction of their proposed expansion of the Toronto Western Hospital with a 13-storey (inclusive of the mechanical floors) patient care facility located at the south-east corner of Bathurst Street and Nassau Street.

This report summarizes the proposed Minister's Zoning Order, comments from the community engagement undertaken, and recommends responses to these comments and mitigation measures to be implemented during the Site Plan Approval process.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning, recommends that:

1. City Council support the establishment of a Neighbourhood Relations Committee comprised of representatives from Toronto Western Hospital, local residents and the Ward Councillor, that would meet bi-annually to address concerns regarding the Site Plan application process, Construction Management Plan, the ongoing noise mitigation measures, future expansion of the Hospital, and to keep an open dialogue between the Hospital and the local community.
2. As part of the Site Plan application, the owner submit a Noise Impact Study, inclusive of the cumulative noise from the hospital campus, prepared by a third party subject matter expert, and to the satisfaction of the Chief Planner and Executive Director, City Planning, subject to peer review, and thereafter shall implement the plan including those measures that can be secured as part of the Site Plan Approval. The applicant shall be responsible for any costs associated with the mitigation measures recommended as part of the Noise Impact Study and any costs related to a peer review of the Noise Impact Study if deemed necessary by the Chief Planner.

3. As part of the Site Plan application, the owner submit a lighting plan indicating the location, height and type of lighting and ground level signage on the proposed building. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning, with an aim to reduce light pollution and infiltration from the hospital campus to the community.
4. Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, in consultation with the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking, access and queuing locations that limit access to the construction site utilizing the Bathurst Street and Nassau Street intersection wherever possible, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

BACKGROUND INFORMATION

Minister's Zoning Order

Section 47 of the Planning Act allows the Minister of Municipal Affairs and Housing (Minister) to make "Minister's Zoning Orders" (MZOs), to govern land uses within areas subject to the order. To the extent of any conflict, an MZO prevails over any other zoning by-law in effect in the area, giving the Minister complete authority to regulate land use on specific lands.

The use of this extraordinary power is often limited to areas without municipal organization, cases of emergency or where there was a pressing provincial objective. When reviewing an MZO request, the Minister may, but is not required to, incorporate any feedback or information that may result from consultations with either the applicant, City staff, and/or Councillors. Unless an "Enhanced MZO" is requested and granted, the proposal would still require a Site Plan Control application to be submitted to the City.

Site Context and Proposal

The site is located in the northwest corner of a block, bounded by Bathurst Street, Nassau Street, Leonard Avenue and Dundas Street West, that is occupied by the Toronto Western Hospital, and which includes a variety of institutional use buildings ranging in heights of up to fifteen storeys. The site has a frontage of approximately 74 metres along Bathurst Street and 47 metres along Nassau Street, and is currently used as a surface parking lot and visitor drop-off and pick-off area for the Toronto Western Hospital.

More broadly, the site is located within the Kensington Market Neighbourhood. Further north and east, across Nassau Street and Leonard Avenue, are predominantly low-rise residential buildings. Bathurst Street and Dundas Street West, to the west and south of the site, are characterized as main streets with predominantly two to four-storey buildings and a mix of uses.

The proposed patient tower MZO would solely apply to the northwest corner of the Toronto Western Hospital block. A total of 28,000 square metres of gross floor area are being proposed within a zoning envelope that includes a maximum height of 84 metres with east-west tower dimensions of approximately 41 metres, and north-south dimensions of approximately 70 metres. Eleven floors are proposed for the patient care facility use, and an additional two floors are requested for mechanical uses. The dimensions of the setbacks and stepbacks are proposed to be finalized during the Site Plan application process. The MZO may also incorporate zoning permissions for two below-grade levels which could provide space for underground vehicle/bicycle parking, a drop-off and pick-up area, and additional space for mechanical and electrical equipment.

The University Hospital Network has advised that the proposed patient tower would replace existing aging infrastructure that have resulted in surgical delays and cancellations. The patient tower would include approximately 100 net new inpatient beds (single patient rooms with ensuite washrooms), 20 new state of the art operating theatres, including hybrid imaging technology to support world class neurosurgery and neuromodulation techniques for brain tumor, epilepsy, Parkinson's and Alzheimer's treatment, which would collectively improve services and reduce patient wait times.

Community Consultation

The Local Councillor and the University Health Network hosted two virtual consultation meetings for this proposal on March 22nd, 2022 and March 29th, 2022 as well as a smaller working group meeting with representatives from the community on March 11, 2022. At the meeting, City Planning staff provided planning policy background followed by a presentation of the proposal by the University Health Network and a question and answer period. In total, approximately 25 members of the public attended the meetings. Comments from the community meetings and working group meeting are summarized as follows:

Use and Built Form

Several comments expressed concerns that the proposed massing and height would create adverse impacts on the surrounding neighbourhood, including shadow impacts. However, the comments from the community generally supported the expansion of the hospital use and identified the proposed location, along Bathurst Street that is currently used as a surface parking lot, as the appropriate location for the hospital's expansion.

Lighting and Noise

Members of the community had strong concerns with the existing lighting and noise impacts from the hospital that were exacerbated with the most recent expansion of the hospital and the potential for additional impacts with the subject proposal. Members of the community requested that the hospital acknowledge the impact its activities, built form, and machinery have on area residents' environmental quality-of-life and that the hospital restore its light and noise impacts to levels characteristic of the residential area prior to the erection of the Krembil Research Institute.

Construction

Concerns were expressed regarding the impacts of the eventual construction of the hospital. Particularly, concerns were raised regarding construction vehicles utilizing the residential streets to access the site, rather than solely entering the site directly from the Bathurst Street and Nassau Street intersection.

Communication Strategy

Members of the community lamented the lack of ongoing and regular communication between the Toronto Western Hospital and the community. They had described the recent communication efforts between the Hospital and community in recent months as a result of the MZO request as a positive step, but expressed a strong desire for an establishment of a committee that would meet bi-annually with meetings chaired by the Ward Councillor.

Further Expansion

While many members of the community agreed that the proposed location of the expansion was appropriate, many feared that future hospital expansion would include the parking structure across Leonard Avenue, and eventually into the residentially zoned areas of Kensington Market.

Public Realm

Concerns were expressed that the proposed MZO and renderings presented by the University Health Network did not provide details on the proposed streetscape conditions along Bathurst Street and Nassau Street, particularly as it pertains to the sidewalk zone width and landscape details.

COMMENTS

To address and mitigate the comments and concerns expressed by the community, City Planning Staff are recommending that the following measures be implemented during the Site Plan application process:

Neighbourhood Relationships Committee

To improve communication between the hospital and the community an establishment of a Neighbourhood Relations Committee, comprised of representative from the community and hospital is recommended. Meetings would take place on a bi-annual basis, with the Ward Councillor chairing such meetings. The meetings would initially focus on the Site Plan application, followed by the construction process, and continue meeting once construction has concluded to discuss ongoing matters between the community and hospital, such as, but not limited to, the ongoing noise mitigation and the hospital's future expansion plans.

Lighting and Noise Impact Studies

As part of the Site Plan application process, the applicant will be required to submit and implement a Noise Impact Study, inclusive of the cumulative noise from the hospital campus, prepared by an accredited Acoustic expert or a qualified Professional Engineer. The study will be required to provide a description of the impact of noise generated by the proposed development on the surrounding environment and detail all possible measures proposed to mitigate or reduce negative noise impacts. To ensure the quality of the study, the City will hire an outside subject matter expert, at the hospital's cost to peer review selected technical reports submitted in support of a development application.

Similarly, as part of the Site Plan application process, the applicants will be required to submit a lighting plan indicating the location, height and type of lighting and ground-level signage on the proposed building. City Planning staff will review the plan to ensure that lighting spillover effects on adjacent residential buildings are limited.

Construction Management Plan

In order to ensure that the development of the proposed building occurs in a manner that is least disruptive to the community, the applicants will submit a Construction Management Plan (CMP) prior to any excavation or shoring work. The CMP will include, but not be limited to, details regarding the following:

- Construction truck and vehicle movements access points that utilize the Bathurst Street and Nassau Street intersection where possible;
- Measures to mitigate noise and dust impacts on adjacent properties;
- Size and location of construction staging areas;
- Details on concrete pouring activities;
- Measures to ensure site lighting does not negatively impact adjacent residences;
- Construction vehicle parking locations;
- Refuse storage;
- Site security and site supervisor contact information, and;
- Any other matters deemed necessary to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor and area residents.

Further details of the CMP will be finalized during the Site Plan application process and with input from the Neighbourhood Relationships Committee.

Public Realm

As part of the Site Plan application, the applicants will be required to submit detailed building and landscape plans. City Planning staff will work with the applicants to ensure appropriate streetscape and landscaping measures that will improve the public realm experience along Bathurst Street and Nassau Street.

Servicing, Loading and Parking

As part of the Site Plan application, the applicants will be required to submit studies and documents that determine the overall impact on the trunk and local municipal service capacities and the necessary improvements to municipal servicing infrastructure required to support the proposed level of development. Additionally, parking impact and loading studies will also be submitted and reviewed by City staff to determine the appropriate requirements and mitigate the traffic and parking impacts of the proposed development.

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SIGNATURE

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